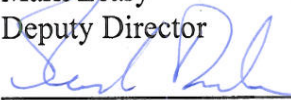


REQUEST FOR ACTION

To: Mark Leary
Deputy Director

From: 
Ted Rauh
Program Director
Waste Compliance and Mitigation Program

Request Date: March 4, 2010

Decision Subject: Concurrence on Proposed Revised Full Solid Waste Facilities Permit for Waste Management South Gate Transfer, SWIS No. 19-AA-0856

Action By: March 20, 2010

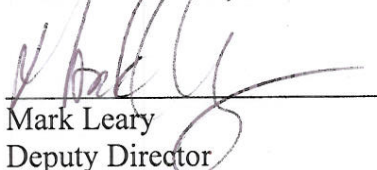
Summary of Request: This is a request that the Director take action on a proposed Solid Waste Facilities Permit for the Waste Management South Gate Transfer, SWIS No. 19-AA-0856, located in Los Angeles County. Staff's findings and recommendations are provided relative to the proposed action.

The proposed permit was received on December 31, 2009 and a revised version on January 19, 2010. Action must be taken on this permit no later than March 20, 2010. If no action is taken by March 20, 2010, the Director will be deemed to have concurred with the issuance of the proposed permit.

Recommendation: Based on our review of the submitted permit package, staff recommends the Director concur with the issuance of the permit and sign below. All of the required submittals and findings required by Title 27 Section 21685 have been made and the required CEQA findings have been made in support of concurrence. These findings are summarized in the table found in the Waste Compliance and Mitigation Program Staff Report attachment. The documents on which staff's findings are based are in the facility files. Details on the findings are presented in more detail in the Waste Compliance and Mitigation Program Staff Report.

Deputy Director Action: On the basis of the information and analysis in this Request for Action and the findings set out in the Department staff report, I concur in the issuance of the Revised Full Solid Waste Facilities Permit for Waste Management South Gate Transfer as proposed.

Dated: March 9, 2010


Mark Leary
Deputy Director

Attachments: Proposed Permit
Waste Compliance and Mitigation Program Staff Report

Waste Compliance and Mitigation Program Staff Report
Solid Waste Facilities Permit Revision for the Waste Management South Gate Transfer
SWIS No. 19-AA-0856
March 1, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the Los Angeles County Local Enforcement Agency (LEA) request for Department of Resources Recovery and Recycling (Department) concurrence on the issuance of a proposed solid waste facilities permit revision for the Waste Management South Gate Transfer, SWIS No. 19-AA-0856, located in Los Angeles County and owned and operated by H.B.J.J., Inc., a wholly-owned subsidiary of USA Waste of California, Inc. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The proposed permit was initially received on December 31, 2009. Two different versions of the proposed permit were received after the initial submittal, most recently on January 19, 2010. Action must be taken on this permit no later than March 20, 2010. If no action is taken by March 20, 2010, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (1998 SWFP)	Proposed Permit
Permitted Hours of Operation	4:00AM - 5:00PM Monday - Saturday	4:00AM - 7:00PM Monday - Saturday
13. Findings	<p>C. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Local Enforcement Agency (LEA) on June 11, 1998.</p> <p>E. The following environmental document(s) have been filed and certified by the Lead Agency:</p> <ol style="list-style-type: none"> 1. Initial Study, PEA 1507, July 25, 1997. 2. Negative Declaration, SCH No. 97091073, July 1997. 	<p>C. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the County of Los Angeles, Department of Public Health, Solid Waste Management Program, the Local Enforcement Agency (LEA) on November 24, 2009.</p> <p>E. The following environmental document(s) have been filed and certified by the Lead Agency:</p> <ol style="list-style-type: none"> 1. Initial Study, PEA 1507, July 25, 1997. 2. Negative Declaration, SCH No. 97091073, July 1997. 3. Notice of Exemption, CUP No. 692 Amendment No. 2, April 7, 2009. <p>G. On April 7, 2009, the City of South Gate Planning Commission made a determination that Conditional Use Permit No. 692 Amendment No. 2 is Categorically Exempt under Section 15031 of the California Environmental</p>

		Quality Act. Said Notice was filed with the County Clerk of Los Angeles County pursuant to the requirements of the California Environmental Quality Act.
14. Documents	<p>Report of Station Information (RSI) July, 1998</p> <p>Conditional Use Permit No. 692 Amendment No.1 December 2, 1997</p>	<p>Transfer/ Processing Report October 2008, Amended March 2009</p> <p>Conditional Use Permit No. 692 Amendment No. 1 December 2, 1997 Amendment No. 2 (Notice of Exemption) April 7, 2009</p>
15. Self Monitoring	<p>The quantities and types of hazardous waste, medical wastes, or otherwise prohibited wastes found in the waste stream and the disposition of these materials.</p> <p>The types and quantities of decomposable and inert wastes, including separated or commingled recyclables, received <u>each day</u>. The operator shall maintain these records on the facility's premises as required by current regulation. These records shall be made available to any Enforcement Agencies' personnel on request.</p> <p>Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints. (Notification to the LEA within one day following the complaint is still required.)</p>	<p>The types and quantities of decomposable and inert wastes, including separated or commingled recyclables, received <u>each day</u>. The operator shall maintain these records on the facility's premises as required by current law. These records shall be made available to any LEA personnel on request.</p> <p>The types and quantities of hazardous waste, medical wastes, or otherwise prohibited wastes found in the waste stream and the disposition of these wastes.</p> <p>All incidents of unlawful disposal of prohibited materials and the operator's actions taken. Indicate those incidents which occurred as a result of the random load checking program. Incidents, as used here, means that the hauler or producer of the prohibited materials is known.</p> <p>The number of waste hauling vehicles using the facility per day and per week. The transfer and collection vehicles must be totaled separately.</p> <p>Copies of all written complaints and records of complaints received by telephone regarding this facility and the operator's actions taken to resolve these complaints.</p> <p>Record of receipt of a Notice of Violation from any regulatory agency. In addition, the operator shall notify the LEA <u>at once</u> following receipt of a Notice of Violation or upon receipt of notification of complaints regarding the facility, which have been received by other agencies.</p>

LEA Conditions

A. The operator shall install and maintain an operational, calibrated radiation monitor at or in close proximity to the scales to detect radioactive material, at all times, during the hours of receipt of refuse.

(1) Incidents of receipt of suspected radioactive materials, or warnings from the radiation monitoring equipment, shall be reported immediately to the Los Angeles County Department of Health Services, radiation management Program at (213) 738-4059 and the LEA at (323) 881-4151.

B. The operator shall conduct a waste load checking program as described in the Report of Station Information dated July, 1998. A generator identification number has been obtained: EPA I.D. No. CAL 000159419. The following Solid Waste Facility Permit conditions supplement those conditions.

(1) The minimum number of random waste loads to be inspected is two (2) per day.

(2) During the hours of operation for all transfer station activities, an attendant or attendants shall be present at all times to supervise the loading and unloading of the waste material. The working floor shall be under continual visual inspection by station personnel, such as spotters, equipments operators and supervisors for evidence of hazardous materials. Station personnel performing the duties required by this waste load checking program shall be trained and new employees shall be trained prior to assignment to a work station.

(3) The loads selected for inspection shall be unloaded in an area separate from the active working floor. Any hazardous materials thus found shall be set aside in a secure area for proper disposition.

(4) Incidents of unlawful disposal of illegal hazardous materials shall be reported to the Duty office, Los Angeles County Fire Department,

B. 2. The operator shall install and maintain an operational and calibrated radiation detector at the incoming scales to detect radioactive material, at all times, during the hours of receipt of waste.

a. Incidents of receipt of suspected radioactive materials, or warnings from the radiation detector, shall be reported immediately to County of Los Angeles, Public Health, Radiation Management Program at (213) 351-2718 and the LEA.

3. The operator shall comply with the approved Load Checking Program as described in the Transfer Processing Report dated October 31, 2008. Any changes in this program by the LEA prior to implementation.

(1) A minimum number of random waste loads to be inspected is (2) per day.

(2) Station personnel performing duties required by the Load Checking Program shall be trained. The training must include how to recognize hazardous waste, the proper method of containment, and the reporting requirements of this program. Station personnel are to be retrained on an annual basis and updated as needed. New employees are to be trained prior to work assignments. The training program must be approved by the LEA. Full documentation of the Load Checking Program training shall be maintained current and updated at the facility and must be provided to the LEA staff upon request.

(3) Incidents of unlawful disposal of prohibited materials shall be reported to the LEA monthly as described in the monitoring section of this permit. In addition, the following agencies shall be notified at once of any incidents of illegal hazardous materials disposed.

(a) Duty office, Los Angeles County Fire Department, Health Hazardous Materials Division at (323) 890-4317.

(b) Environmental Crimes Division, Los Angeles County District Attorney at (213) 974 -6824.

	<p>Health Hazardous Materials Division at (323) 890-4045.</p> <p>2. The LEA reserves the right to require the operator to provide more stringent dust control measures, if the proposed dust control system proves inadequate or ineffective.</p>	<p>(c) California Highway Patrol at (213) 736-2971.</p> <p>(4) The loads selected for inspection shall be unloaded in an area separate from the active working floor. Any hazardous materials thus found shall be properly packed an/or handled, and stored no longer than 90 days in an approved secure area to await proper disposition following notification of the producer (if known) and the appropriate governmental agencies.</p> <p>4. The LEA reserves the right to require the operator to provide more stringent dust and odor control measures, if the proposed dust and odor control measures identified in the current Transfer/Processing Report (TPR) prove inadequate or ineffective.</p>
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Findings:

Staff recommends concurrence with the issuance of the proposed revised permit. All of the required submittals and findings required by CCR 27 Section 21685 have been provided and made. Staff has determined that CEQA requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the Waste Compliance and Mitigation Program.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated December 31, 2009.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on November 23, 2009 and provided a copy to the Department on December 7, 2009.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed solid waste facilities permit on December 31, 2009. A revised version was submitted on January 19, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on December 31, 2009 provided a finding that the facility is consistent with PRC 50001 and WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Non-Disposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated January 14, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21685(b)(7) Operations Consistent with State Minimum Standards	WCMP staff in the Compliance, Evaluations, and Enforcement Division found that the facility was in compliance with all operating and design requirements during an inspection conducted on January 20, 2010. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on December 31, 2009, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	A Public Hearing was held on March 17, 2009, and a Substitute Meeting on April 7, 2009, by the Planning Commission of the City of South Gate. No written comments were received by the LEA or WCMP staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	WCMP staff found that the proposed permit is consistent with CEQA and supports the Director's concurrence in the revised permit.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility was inspected by WCMP staff in the Compliance, Evaluation, and Enforcement Division on January 20, 2010. No violations or areas of concern were noted. The LEA has not noted any violations of State Minimum Standards or permit requirements during the last five years.

Environmental Analysis:

State law requires compliance with CEQA either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program, or by determining that the proposal is categorically or statutorily exempt.

The City of South Gate, acting as Lead Agency, prepared the following environmental document for the South Gate Transfer Station.

- A Mitigated Negative Declaration, State Clearinghouse No. 1997091073, was circulated for a 30-day review period from September 25, 1997 through October 24, 1998. The Mitigated Negative Declaration was approved by the City of South Gate on October 26, 1998. The Mitigated Negative Declaration analyzed for increasing daily tonnage to 2000 tons per day, extending hours of operation to 4:00 am through 5:00 pm for receipt of waste and to allow the facility to remain open 24 hours per day for cleaning and loading of transfer vehicles.
- The City of South Gate, Community Development Department prepared a Notice of Exemption dated April 7, 2009, pursuant to Title 14, Section 15301, to amend Conditional Use Permit No. 692 Amendment No.2 to allow an extension of the hours of operation from 5:00 pm to 7:00 pm.

The Local Enforcement Agency, County of Los Angeles, Department of Public Health, has provided a finding that the proposed permit is consistent with and supported by the cited Mitigated Negative Declaration.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the Permit.

Staff further recommends the Mitigated Negative Declaration cited above as adequate for the Director's environmental evaluation of the proposed project for those project activities which are within the Director's expertise and/or powers, or which are required to be carried out or approved by the Department. Staff also recommends that the additional two hours of operation authorized by the proposed permit is categorically exempt pursuant to Title 14, Section 15301.

The Department's role as a Responsible Agency under CEQA is more limited than the City of South Gate's role as a Lead Agency in that a Responsible Agency may require changes in a project to lessen or avoid only the environmental effects of that part of the project it will carry out or approve, and may disapprove a project to avoid only the environmental effects of that part of the project it will carry out or approve.

Local Issues:

The CEQA record indicates no offsite cumulative environmental impacts. The project document availability, hearings, and associated meetings were extensively noticed consistent with the CEQA and Solid Waste Facilities Permit requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 5360). Census information indicates that the surrounding population is approximately 59% White, 1% African American, 36.4% some other race, and 3% two or more races. 90% of the total population described themselves as Hispanic or Latino. 20.3% of the families are below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

On March 17, 2009, the Planning Commission of the City of South Gate held a public hearing on Conditional Use Permit No. 692 Amendment No. 2, which requested an amendment to the existing Conditional Use Permit to extend the hours of operation for two additional hours. No public comments were received. On April 7, 2009, the LEA participated in a Substitute Meeting, in place of an informational meeting pursuant to CCR 27 Section 21660.4, in order to gather comments on the LEA's proposed action to revise the Solid Waste Facility Permit. No public comments were received by the LEA.

Department Staff Actions:

On February 8, 2010, a public workshop was held to provide an update on the permitting process.